CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Date: July 8, 1999

Group Art Unit: 1636
Examiner: J. Railey

Address to:

Atty. Dkt.   PMS 235620

	Parent M#	Client Ref

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

(Our Deposit Account No. 03-3975)
(Our Order No. 71087 | 235620
                  C# | Parent M#

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 08/ 711,961 , filed on September 6, 1996   , entitled BACTERIAL DELIVERY SYSTEM .

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371, i.e., having a §102(e) date granted and is neither abandoned nor its proceedings terminated and its issue fee has not been paid (unless item 6A below is X'd).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1.	☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application. (Include claim fees on page 2).
2.	☐ A preliminary amendment is enclosed. (See page 3 for additional claims fees).
3.	This application is filed by <u>fewer</u> than all the inventors named in the prior application, 37 CFR 1.53(d)(4). a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application: 1. _____ 2. _____ 3. _____ 4. _____ b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4.	☐ A new power of attorney is enclosed.
5.	Information Disclosure Statement is enclosed: ☐ IDS Letter ☐ Citing Appln. ☐ Foreign Search Report/OA ☒ PTO-1449 ☐ Cited Documents
6.	☒ <u>PRELIMINARY AMENDMENT</u> to be entered before fee calculation (Do <u>not</u> make amendments here except cancellation of whole claims or multiple dependencies for purpose of reducing the filing fee (on page 2) per MPEP § § 506 and 607; do <u>not</u> cancel all claims.): Cancel claims 1-27 and 34-43.

07/09/1999 CVDRACHA 00000079 08711961

01 FC:131   760.00 OP

P FC:117   870.00 OP

6A. ☐ <u>The issue fee has been paid in the parent</u>, but this CPA Request is based on a Rule 313(b)(5) petition and Rule 53(d)(1)(ii)(A).

7. ☐ Attached is a Rule 103(a) Petition to Suspend Action

FILING FEE
THE FOLLOWING FILING FEE IS BASED ON THE CLAIMS
<u>EXISTING IN THE PRIOR APPLICATION AS AMENDED AT 1 & 6 ABOVE</u>

	Large/Small Entity		Fee Code

8. Small Entity Statement Filed
   ☐ previously (still valid)   ☐ herewith

9. Basic filing fee -
   ☒ Utility Appln. - - $760/$380 $ __760__ (131/231)
   ☐ Design Appln. - - $310/$155 $ _____ (132/232)
   ☐ Plant Appln. - - $480/$240 $ _____ (133/233)
   ☐ Reissue Appln. - - $760/$380 $ _____ (134/234)

10. (reserved)

11. Total Effective Claims __11__ minus 20 = * __0__ x $18/$9 = + __0__ (103/203)
12. Independent Claim __2__ minus 3 = * __0__ x $78/$39 = + __0__ (102/202)

* If answer is zero or less, enter "0"

13. If <u>any proper</u> (ignore improper) multiple dependent claim is present, ☐ add $260/$130   + 0 _____ (104/204)

14. Original Due Date: __April 14, 1999__   ☐ None

15. **Petition is hereby made** to extend the <u>original</u> due date to cover the date this CPA is filed for which the requisite fee is attached
    (1mo)- $110/$55= $_____ (115/215)
    (2mos)- $380/$190= $_____ $ __870__ (116/216)
    (3mos)- $870/$435= $_____ (117/217)

16. Enter any previous extension fee <u>paid</u> since above <u>original</u> due date (item 14) and subtract   - $ __0__

17.   **EXTENSION FEE ATTACHED** $ __870__

18.   **TOTAL FILING FEE =** $ __1630__

19. If "petition" box 7 above is X'd,- - - - - - - - - - - - - - - - - - - add petition fee ($130)   + _____ (122)

20.   **FEE ATTACHED =** $ __1630__
    (carry forward to line 27)

(FOR AMENDMENT FEES RE ITEM 2 ABOVE SEE NEXT PAGE)

21. ☐ ATTACHED:

22.   **ADDITIONAL FEE CALCULATION FOR PRELIMINARY AMENDMENT**
                    TO BE ENTERED (PER ITEM 2 ABOVE)

	Claims remaining after amendment	Highest number previously paid for	Present Extra		Additional Fee	
				Large/Small Entity		Fee Code
23. Total Effective Claims	_____ minus**	20	= * 0	x $18/$9 =	$ _____	(103/203)
24. Independent Claims	_____ minus***	3	= * 0	x $78/$39 =	+ _____	(102/202)

25. If amendment enters proper multiple dependent claim(s) into this application for the
   first time, - ☐ add $260/$130 (per application)   + _____   (104/204)

26.   ADDITIONAL FEE $ _____

27.   plus **FEE** from item 20 on page 3   + __1630__

28.   **TOTAL FEE ATTACHED** $ __1630__

29.*If the entry in the first space is less than entry in the middle space, the "Present Extra" result is "0".

30.**If the "Highest number previously paid for" (see item 11 above) is less than 20, write "20" in this space.

31.***If the "Highest number previously paid for" (see item 12 above) is less than 3, write "3" in this space.

32. **CHARGE STATEMENT**: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.
   This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

                    Pillsbury Madison & Sutro LLP
                    Intellectual Property Group

1100 New York Avenue, N.W.
Ninth Floor, East Tower   By Atty: Ann S. Hobbs, Ph.D.   Reg. No.   36830
Washington, D.C. 20005-3918
Tel: (202) 861-3000   Fax: (202) 822-0944
Atty/Sec: ASH/maf   Sig: _____   Tel.: (202) 861-3063

          NOTE: No. 1: File this Request in duplicate with PTO receipt (PAT-103A) & attachments.
             NOTE: No. 2: Is extension necessary for copendency? **DOUBLE CHECK** Item 14 above.